

The House Committee on Judiciary Non-civil offers the following substitute to HR 352:

A RESOLUTION

1 Creating the House Study Committee on Eyewitness Identification Procedures; and for other
2 purposes.

3 WHEREAS, eyewitness error is the leading cause of mistaken convictions; and

4 WHEREAS, cases of mistaken convictions due to eyewitness misidentification have resulted
5 in actual perpetrators remaining free to commit more crimes; and

6 WHEREAS, the goal of a police investigation is to identify perpetrators accurately and
7 apprehend the true perpetrators of crimes; and

8 WHEREAS, scientific studies of eyewitness memory have demonstrated that eyewitness
9 evidence is, like trace physical evidence, susceptible to contamination if not handled
10 properly; and

11 WHEREAS, well-intentioned witnesses and authorities acting in good faith may sometimes
12 inadvertently undermine the accuracy of an identification procedure unless appropriate
13 safeguards are in place; and

14 WHEREAS, extensive scientific research has shown that alternative methods of conducting
15 identification procedures greatly enhance eyewitness identification accuracy; and

16 WHEREAS, this state has a compelling interest in assuring that appropriate eyewitness
17 identification procedures are utilized in this state.

18 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
19 there is created the House Study Committee on Eyewitness Identification Procedures to be
20 composed of five members of the House of Representatives to be appointed by the Speaker

1 of the House, one of whom shall be designated as the chairperson. The chairperson shall call
2 all meetings of the committee.

3 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
4 needs, issues, and problems mentioned above or related thereto and recommend any actions
5 including, but not limited to, best practices for eyewitness identification procedures and
6 evidentiary standards for admissibility of eyewitness identifications, or legislation which the
7 committee deems necessary or appropriate. The committee may conduct such meetings at
8 such places and at such times as it may deem necessary or convenient to enable it to exercise
9 fully and effectively its powers, perform its duties, and accomplish the objectives and
10 purposes of this resolution. The members of the committee shall receive the allowances
11 authorized for legislative members of interim legislative committees but shall receive the
12 same for not more than five days unless additional days are authorized. The funds necessary
13 to carry out the provisions of this resolution shall come from the funds appropriated to the
14 House of Representatives. In the event the committee makes a report of its findings and
15 recommendations, with suggestions for proposed legislation, if any, such report shall be
16 made on or before the convening of the 2008 session of the General Assembly, at which time
17 the committee shall stand abolished.